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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,206	09/26/2003	Joseph Salazar	22228-11	8938

7590 07/25/2005

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EXAMINER

HOEY, ALISSA L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/672,206	Applicant(s) SALAZAR, JOSEPH	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 26-29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 26-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/18/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-13, 15, 16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukutake (JP 11-012813).

In regard to claim 10, Fukutake teaches a garment defining a pair of shorts or pants, the garment having a first section defining an inner hip pocket and a second section defining an outer hip pocket. The second section at least partially covering the inner hip pocket (see figures 1-4 and translation).

In regard to claim 11, Fukutake teaches the inner hip pocket having dimensions of at least 6 cm across by 6 cm deep (figures 1-4).

In regard to claim 12, Fukutake teaches the inner hip pocket having dimensions suitable for holding handcuffs (figures 1-4).

In regard to claim 13, Fukutake teaches the inner hip pocket has a depth such that when the handcuffs are fully inserted therein the handcuffs are completely contained therein, thereby concealing the handcuffs from view (figures 1-4).

In regard to claim 15, Fukutake teaches the outer hip pocket being suitable for receiving a wallet such that when the handcuffs are placed in the inner hip pocket and a wallet is placed in the outer hip pocket the wallet is disposed substantially over the handcuffs. Inherently a wallet would at least partially conceal the handcuffs outline within the inner hip pocket from an observer (figures 1-4).

In regard to claim 16, Fukutake teaches the outer hip pocket is of dimensions such that a periodical type magazine placed in the outer hip pocket will inherently completely conceals the handcuffs (figures 1-4).

In regard to claim 19, Fukutake teaches the inner hip pocket being completely contained within the outer hip pocket (figures 1-4).

4. Claims 10, 20, 21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Golde (US 5,884,338).

In regard to claim 10, Golde teaches a garment defining a pair of shorts or pants (14), the garment having a first section defining an inner hip pocket and a second section defining an outer hip pocket (18, 50, 46). The second section at least partially covering the inner hip pocket (figures 2-4).

In regard to claim 20, Golde teaches at least two inner pockets (50, 46) disposed within at least one outer pocket (18). The two inner pockets having dimensions of at least 3 cm long by 2 cm wide by 8 cm deep (50, 46).

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In regard to claim 21, Golde teaches at least inner pockets disposed within at least one outer pocket, the two inner pockets having dimensions of at least 3 cm long by 2 cm wide by 8 cm deep (figures 2-4).

In regard to claim 24, Golde teaches a garment defining a pair of shorts or pants (14), the garment having at least one front outer pocket (18) and at least two front inner pockets (46, 50) disposed within the at least one front outer pocket. Each of the front inner pockets having cross sections that are substantially uniform along a vertical axis (figure 4).

In regard to claim 25, Golde teaches each of the front inner pockets having dimensions capable of holding ammunition magazine (figures 1-4).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5, 6, 8, 10, 11, 17, 18 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldkind (US 6,769,139).

In regard to claim 5, Goldkind teaches a garment (30) defining a pair of pants or shorts. The garment having at least one outer pocket (47) and at least one inner pocket

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(42) a majority of which is disposed within the outer pocket (figure 3). The inner pocket having a depth of at least 6 cm (figure 1).

In regard to claim 6, Goldkind teaches the outer pocket is a front pocket (figure 1).

In regard to claim 8, Goldkind teaches the outer pocket is a hip pocket (figure 1).

In regard to claim 10, Goldkind teaches a garment defining a pair of shorts or pants (30). The garment having a first section defining an inner hip pocket and a second section defining an outer hip pocket, the second section at least partially covering the inner hip pocket (figures 1, 3 and 4).

In regard to claim 11, Goldkind teaches the inner hip pocket having dimensions of at least 6 cm across by 6 cm deep (figures 1, 3 and 4).

In regard to claim 17, Goldkind teaches the garment being a denim garment (column 1, lines 24-29).

In regard to claim 18, Goldkind teaches the inner hip pocket being completely contained within an outer hip pocket in lengthwise and depth directions and a top edge of the inner hip pocket being disposed above a top edge of the outer hip pocket (figures 3 and 4).

In regard to claim 22, Goldkind teaches a garment defining a pair of shorts or pants (30). The garment having a first section defining a front inner pocket and a second section defining a front outer pocket (figures 3 and 4). The second section at least partially covering the front inner pocket (figures 3 and 4). The front inner pocket having dimensions of at least 3 cm long by 2 cm wide and 8 cm deep (figures 3 and 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukutake.

Fukutake teaches a garment as described above in claims 10 and 12. However, Fukutake fails to teach the inner hip pocket having a position and depth such that when the handcuffs are fully inserted therein the top edge of the handcuffs rises above a top edge of the outer hip pocket, thereby leaving the handcuffs quickly and easily accessible to a wearer.

It would have been obvious to have provided the inner hip pocket having a position and depth such that the handcuffs are completely hidden from view in the pocket or the top edge of the handcuffs above the top edge of the outer hip pocket, because as long as the handcuffs are capable of being received in the inner hip pocket the handcuffs being completely covered in the pocket or not is not essential to the practice of the invention.

8. Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldkind (US 6,769,139).

Goldkind teaches a garment with pockets as described above in claims 5, 6 and 22. However, Goldkind fails to teach the front inner pocket having a dimension of 3.5 cm long by 2.5 cm wide by 12 cm deep, to within plus or minus 50/25 percent.

With respect to the limitation that the pocket is 3.5 cm long by 2.5cm deep, to within plus or minus 50/25 percent. It would have been obvious to have the pockets of Goldkind in any dimension as desired as long as the pocket is capable of receiving the ammunition magazine. Pockets are well known in the apparel arts to be included on garments to store items when not needed by the wearer. One having ordinary skill in the art would be able to determine through routine experimentation the ideal dimension for a particular application.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldkind in view of Cindel (US 1,466,330).

In regard to claim 9, Goldkind fails to teach a long and narrow pocket on a rear thigh portion of the garment for carrying and substantially concealing a law enforcement baton without interfering with a wearer's ability to run.

Cindel teaches a pant garment with a long and narrow pocket on a rear thigh portion of the garment that is capable of carrying and substantially concealing a law enforcement baton without interfering with a wearer's ability to run (figure 1, identifier 5).

It would have been obvious to have provided the garment with pockets of Goldkind with the long and narrow rear thigh pocket of Cindel, since the garment of Goldkind provided with a long and narrow rear thigh pocket would provide a pant

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garment that provides even more storage capabilities preventing the loss of an article placed therein.

Allowable Subject Matter

10. Claims 1-4 are allowed.

Conclusion

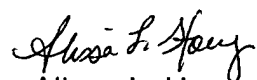
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Searley, Langerman, Siegel, Rosen, Weidler, Dean, Cohen, Zevchak, Grant, Busquets, Blauer, Jensen, Leblang, Young, Ausanio and Parsons are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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